

PATENT
Customer No. 33717
Attorney Docket No. 70430-010200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Applicant: Aros et al.

Serial No.: 10/643,558

Filed: August 18, 2003

Title: ROTARY DISPLAY
APPARATUS FOR
DISPLAYING PERIODICALS IN
A CIRCULAR ARRAY

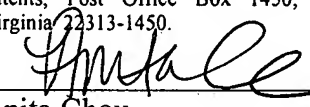
Group Art Unit: 3634

Examiner: R. Gibson

**CERTIFICATE OF MAILING UNDER 37
CFR 1.8**

Date of Mailing: January 6, 2005

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 CFR 1.8 on the date indicated, and addressed to Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.


Anita Chou

Commissioner for Patents
P.O. Box 1450
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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

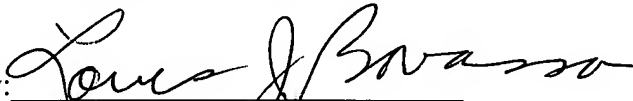
Sir:

In response to the Notice of Non-Compliant Amendment 37 CFR 1.121 of December 30, 2004 (copy enclosed), attached is the corrected claim set with claim 1 marked up with changes.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: 

Louis J. Bovasso
Registration No. 24,075
Attorney of Record

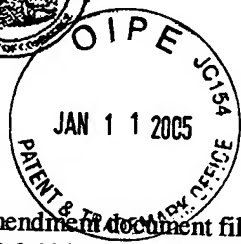
Date: 1/6/05

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LA-FS1316919v01



UNITED STATES PATENT AND TRADEMARK OFFICE



10/643.558
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/1/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 1 does not show underlines and/or brackets for changes.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Toi Sohn
Legal Instruments Examiner (LIE)

703 306-2940
Telephone No.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A display apparatus for displaying a plurality of magazines or the like in a circular array comprising:

a) a rotatable base; and

b) a plurality of generally circular display areas mounted on said base, said areas including a first outer area on said base defined by an upper generally cylindrical outer wall having an inner wall portion and an outside portion mounted to said base and extending upwardly therefrom,

at least a second area on said base inwardly of said outer area defined by an upper generally first cylindrical inner wall having an outer wall portion mounted to said base and extending upwardly therefrom, said first inner wall being visible from the outside portion of said outer wall, said second area being further defined by a second cylindrical inner wall spaced from said first cylindrical inner wall, each of said first and second areas forming a pair of spaced toroidally shaped obstruction-free compartments whereby a plurality of magazines may be disposed at any location within said first outer area resting on said base and extending upwardly therefrom with the front covers thereof disposed against the inner wall portion of said outer wall in a generally circular contiguous array about said first outer area and the back covers thereof abutting against the outer ~~all-wall~~ portion of said inner wall, and a plurality of magazines may be disposed at any location within said second area.

2. (original) The apparatus of claim 1 including a generally cylindrical wall generally centrally mounted on said base within said inner wall.

3. (original) The apparatus of claim 2 wherein said inner wall is of a translucent material.

4. (currently amended) The apparatus of claim 1 wherein said inner wall is of a translucent material.

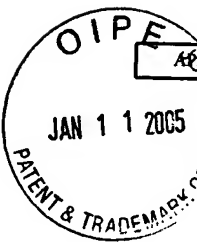
5. (original) The apparatus of claim 1 wherein said outer wall is an open wire framework.
6. (original) The apparatus of claim 1 wherein said outer wall is of transparent plastic.
7. (original) The apparatus of claim 1 wherein said inner and outer walls are of the same overall height.
8. (original) The apparatus of claim 1 wherein said inner and outer walls are of differing heights.
9. (original) The apparatus of claim 1 wherein said rotatable base includes a fixed lower base portion, and ball bearing means coupled to both said base and said base portion for rotating said base with respect to said base portion.
10. (original) The apparatus of claim 1 including a display pole generally centrally mounted on said base extending generally vertically upwardly therefrom, said pole having a display card fixedly secured to the upper end thereof.
11. (new) A display apparatus for displaying a plurality of magazines or the like in a circular array comprising:
 - a) a rotatable base; and
 - b) a plurality of generally circular display areas mounted on said base, said areas including a first outer area on said base defined by an upper generally cylindrical outer wall having an inner wall portion and an outside portion mounted to said base and extending upwardly therefrom,
at least a second area on said base inwardly of said outer area defined by an upper generally cylindrical inner wall having an outer wall portion mounted to said base and extending upwardly therefrom, said inner wall being visible from the outside portion of said outer wall, whereby a plurality of magazines may be disposed within said first outer area resting on said base and extending upwardly therefrom with the front covers thereof disposed against the inner wall portion of said outer wall in a generally circular array about said first outer area and the back covers thereof abutting against the outer wall portion of said inner wall, and

a display pole generally centrally mounted on said base extending generally vertically upwardly therefrom, said pole having a display card fixedly secured to the upper end thereof.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,558	08/18/2003	Carlos Joaquin Aros	70430.010200	4905

3717 7590 12/30/2004
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EXAMINER

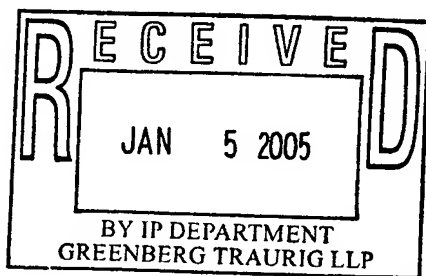
GIBSON, ROBERT W

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Non-Compliant Amendments

FINAL OA
DUE DATE 1/30
EXT. 1 2/30
EXT. 2 3/30
EXT. 3 4/30
FINAL 6/30

Ext. 4 5/30